



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

JOSEPH WOJCICKI,

Plaintiff,

vs.

AIKEN TECHNICAL COLLEGE et al.,

Defendants.

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CIVIL ACTION NO. 1:06-461-HFF-BM

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE

This is an employment discrimination case in which Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that (1) Defendant's motion to dismiss be granted in part and denied in part and (2) Plaintiff's motions for default judgment be denied. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 27, 2006. The Clerk entered Plaintiff's objections on October 17, 2006, and Defendants failed to file objections. The Court has carefully reviewed Plaintiff's objections, but finds them to be without merit. The Magistrate Judge recommended that the Court deny Defendants' motion to dismiss as to any claims or causes of action being asserted which postdate Plaintiff's previous litigation. With respect to those claims, the Magistrate Judge suggests that the Court require Plaintiff to file an amended complaint. To the extent that Plaintiff makes new factual allegations in his objection memorandum, such allegations should be made in an amended complaint.

Accordingly, after a thorough review of the Report, the objections, and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that (1) Defendants' motion to dismiss be **GRANTED** as to any claims being asserted by Plaintiff which predate the final disposition of his previous litigation; (2) Defendants' motion to dismiss be **DENIED** as to any claims being asserted by Plaintiff which postdate the final disposition of his previous litigation; and (3) Plaintiff's motions for default judgment be **DENIED**. If Plaintiff wishes to pursue this litigation, Plaintiff is directed to file an amended complaint with the Court by April 13, 2007. In the amended complaint, Plaintiff shall specifically set out (1) the exact claims he is asserting against each named Defendant, (2) the jurisdictional basis for those claims, (3) the factual basis for those claims, and (4) the relief being sought.

IT IS SO ORDERED.

Signed this 26th day of March, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.